

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

OCCIDENTAL CHEMICAL CORPORATION,	)	Hon. Madeline Cox Arleo
	)	Hon. Magistrate Leda Dunn Wettre
)	
Plaintiff,	)	Civil Action No. 2:18-CV-11273
)	
v.	)	STIPULATION AND PROPOSED
	)	ORDER CONCERNING DEADLINE
	)	FOR FILING RESPONSES TO
21ST CENTURY FOX AMERICA, INC., <i>et</i>	)	OXYCHEM’S AMENDED AND
<i>al.</i>,	)	THIRD PARTY COMPLAINT
)	
)	
Defendants.)	
)	
)	
21ST CENTURY FOX AMERICA, INC., <i>et</i>)	
<i>al.</i> ,)	
)	
Third-Party Plaintiffs,)	
)	
v.)	
)	
PASSAIC VALLEY SEWERAGE)	
COMMISSIONERS, <i>et. al.</i> ,)	
)	
Third-Party Defendants.)	

Plaintiff Occidental Chemical Corporation (“OxyChem”) filed an Amended Complaint and Third-Party Complaint (“Complaint”) against the Passaic Valley Sewerage Commissioners (“PVSC”) and 42 municipalities (collectively, “Third-Party Defendants”) alleging liability for response costs associated with the contamination of the Lower Passaic River. (ECF No. 1247). OxyChem and certain Third-Party Defendants have entered into, and the Court has approved,

stipulations concerning the service of process and deadlines for filing responses to OxyChem's Complaint. (ECF Nos. 1257, 1379).

Most recently, the Court approved a stipulation that—among other things—extended the deadline to September 17, 2021 for certain Third-Party Defendants to answer, move, or otherwise respond to OxyChem's Complaint (subject to certain conditions and unless otherwise modified by a Case Management Order). (ECF No. 1379, attached as Ex. A). Paragraph 6 of the stipulation states that “[t]he terms of this Stipulation are available, without further stipulation with counsel for OxyChem, to all Third-Party Defendants who notify OxyChem in writing of their intention to join this Stipulation and agree to all of its terms.” *Id.*

To preserve party and judicial resources, and to maintain consistency with the other stipulations regarding service of process and the deadline for filing responses, Third-Party Defendants **Township of Bloomfield, Township of Cedar Grove, City of Clifton, Borough of East Newark, City of East Orange, Borough of Glen Ridge, Town of Harrison, Borough of Hasbrouck Heights, Town of Kearny, Township of Montclair, City of Newark, Borough of North Haledon, City of Orange, City of Passaic, City of Paterson, Borough of Totowa, Township of West Orange, Borough of Woodland Park**, by and through their undersigned counsel, hereby join and stipulate to all of the terms in the stipulation approved by the Court at Dkt. 1379, and have notified OxyChem in writing of their intention to do same.

IT IS SO ORDERED


Dated: 8/17/2021



Hon. Magistrate Leda D. Wettre

STIPULATED TO AND APPROVED BY:

Dated: August 13, 201



CHASAN LAMPARELLO MALLON &
CAPPUZZO PC
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Secaucus, NJ 07094
Tel.: 201.348.6000
Kirstin Bohn, Esq.

*Counsel for Passaic Valley Sewerage Commission,
on behalf of Third-Party Defendant
PVSC Member Municipalities on Appendix A*

Appendix A

Third-Party Defendants Joining Stipulation at ECF No. 1379

Township of Bloomfield
Township of Cedar Grove
City of Clifton
Borough of East Newark
City of East Orange
Borough of Glen Ridge
Town of Harrison
Borough of Hasbrouck Heights
Town of Kearny
Township of Montclair
City of Newark
Borough of North Haledon
City of Orange
City of Passaic
City of Paterson
Borough of Totowa
Township of West Orange
Borough of Woodland Park

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

OCCIDENTAL CHEMICAL CORPORATION	)	Hon. Madeline Cox Arleo
	)	Hon. Leda Dunn Wettre
Plaintiff,)	
	)	Civil Action No. 2:18-cv-11273
v.)	
)	
21ST CENTURY FOX AMERICA, INC., <i>et al.</i>)	
)	
Defendants,	)	STIPULATION AND PROPOSED
	)	ORDER CONCERNING SERVICE OF
	)	PROCESS AND DEADLINE FOR
21ST CENTURY FOX AMERICA, INC., <i>et al.</i>	)	FILING RESPONSES TO
	)	OXYCHEM'S ATP COMPLAINT
Third-Party Plaintiffs,)	
)	
v.)	
)	
PASSAIC VALLEY SEWERAGE)	
COMMISSIONERS, <i>et al.</i>)	
)	
Third-Party Defendants.)	

Defendants in the above-captioned action have filed a Third-Party Complaint, ECF No. 1170, against the Passaic Valley Sewerage Commissioners (PVSC) and 42 associated municipalities (individually and collectively, "Third-Party Defendants") alleging liability for response costs associated with the contamination of the Lower Passaic River. The Defendants and certain Third-Party Defendants have entered into, and the Court has approved, stipulations concerning service of process and deadlines for filing responses to the Third-Party Complaint, ECF Nos. 1216 and 1217 (the "Third-Party Complaint Stipulations").

As a result of the Defendants' Third-Party Complaint, Plaintiff Occidental Chemical Corporation ("OxyChem") has filed an Amended and Third-Party Complaint, ECF No. 1247 ("OxyChem's ATP Complaint") against the Third-Party Defendants. To preserve party and

judicial resources and maintain consistency with the deadlines set by the Third-Party Complaint Stipulations, OxyChem and the Third-Party Defendants listed in Exhibit A hereto (collectively, “Stipulating Third-Party Municipal Defendants”), by and through their undersigned counsel, stipulate to the following:

1. The undersigned counsel for Stipulating Third-Party Municipal Defendants agrees to, and is authorized by the Stipulating Third-Party Municipal Defendants to, accept service of OxyChem’s ATP Complaint, filed on June 29, 2021, on behalf of all Stipulating Third-Party Municipal Defendants, in satisfaction of the requirements of Fed. R. Civ. P. 4.

2. No later than 10 days after this Stipulation is entered by the Court, counsel for OxyChem shall send counsel for the Stipulating Third-Party Municipal Defendants via Federal Express and by email, a complete copy of OxyChem’s ATP Complaint, which will constitute the service of OxyChem’s ATP Complaint on all Stipulating Third-Party Municipal Defendants.

3. Unless otherwise modified by a Case Management Order entered in this action, and assuming paragraph 2 has been complied with, the Stipulating Third-Party Municipal Defendants shall, as permitted by Fed. R. Civ. P. 12, answer, move or otherwise respond to OxyChem’s ATP Complaint on or before September 17, 2021.

4. OxyChem shall file any opposition to any motion described in Paragraph 3 no more than 60 days after the filing of the Motion. Stipulating Third-Party Municipal Defendants shall file any reply in support of any such motion no more than 30 days after the filing of OxyChem’s Response in Opposition. **

5. Except as stated herein, this Stipulation and Order shall not constitute a waiver of any defenses other than sufficiency of service, including but not limited to: (a) any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, statutory

law, or common law (including but not limited to personal jurisdiction defenses), (b) any affirmative defenses that may be available under Rule 8 of the Federal Rules of Civil Procedure, statutory law, or common law, or (c) any other statutory or common law defenses that may be available to the Stipulating Third-Party Municipal Defendants in this or any other related actions. Stipulating Third-Party Municipal Defendants expressly reserve the right to raise any such defenses (or any other defenses) in response to (a) the current ATP Complaint or any amended and/or consolidated third-party complaint that may be filed on behalf OxyChem or any defendant in this action, and/or (b) any third-party complaint that may be filed in any related action.

6. The terms of this Stipulation are available, without further stipulation with counsel for OxyChem, to all Third-Party Defendants who notify OxyChem in writing of their intention to join this Stipulation and agree to all of its terms.

**** No extensions.**

IT IS SO ORDERED.

Dated: 8/10/2021



Hon. Magistrate Leda Dunn Wettre

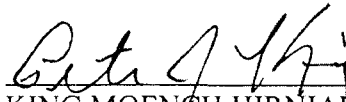
STIPULATED TO AND APPROVED BY:

/s/ Amanda L. Rauer

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*Liaison Counsel for the Stipulating Third-Party
Municipal Defendants*

**NOTICE OF DESIGNATION OF LIAISON COUNSEL ON BEHALF OF
THE FOLLOWING EJIF MUNICIPALITIES**

Occidental v. 21st Century Fox America 2:18-CV-11273 (MCA-LDW)

PETER J. KING, ESQ.

East Rutherford Borough
Elmwood Park Borough
Lodi Borough
Wallington Borough
North Arlington Borough
Rutherford Borough
Saddle Brook Township
South Hackensack Township

FRED SEMRAU, ESQ

Belleville Township
Prospect Park Borough
North Caldwell Borough
Ridgewood Village
Garfield City
Glen Rock Borough
Haledon Borough
Hawthorne Borough

FRANCIS BORIN, ESQ.

Fair Lawn Borough
Franklin Lakes Borough
Little Falls Township
Lyndhurst Township
Nutley Town
South Orange Village Township
Wood-Ridge Borough